

Docket No.: 3022-14
Client No.: ARF-025US
File No.: 1227.42950X00

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PATENT

REMARKS

Claims 1-10 are pending in this application. Claims 3-4 and 9-10 are amended and new claims 11-20 are added herein.

Claims 1, 3, 9, 10, 11 and 12 are independent.

The Examiner indicates concern that claims 2 and 4 are substantial duplicates and, if allowed, will be subject to a double patenting objection. Claim 4 is amended to depend from independent claim 3 (rather than dependant claim 2) to address the noted concern. Thus, only claim 2 (and not claim 4) now depends from independent claim 1.

Claim 3 stands rejected under 35 USC §112, 2nd paragraph, as indefinite. The claim is amended to eliminate the recitation of "and/or". As amended, claim 3 requires that "wherein said game control means causes said display part to show an image of the real player being taken at a predetermined timing by said image taking means, and the response image data being stored by said response image data storage means according to the state of the game being played with the gaming machine."

It is respectfully requested that the rejection be reconsidered and withdrawn in view of the amendment of claim 3.

New claim 11 includes recitations identical to those of claim 3, except that claim 11 requires that "wherein said game control means causes said display part to show an image of the real player being taken at a predetermined timing by said image taking means, or (rather than "and") the response image data being stored by said response image data storage means according to the state of the game being played with the gaming machine."

New claim 12 is added to recite the invention in a somewhat different manner, as will be discussed in greater detail below.

Claim 10 stands rejected under 35 USC §101 as directed to non-statutory subject matter. The preamble of claim 10 is amended along the lines suggested by the Examiner. More particularly, the preamble now recites "A computer program recorded on a computer readable medium for execution by a gaming machine...the execution of the program resulting in the game machine:"

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Docket No.: 3022-14
Client No.: ARF-025US
File No.: 1227.42950X00

PATENT

view of the amendment of claim 10.

Claims 1, 2, 4-6 and 8 stand rejected under 35 USC §102(e), as anticipated by Miyamoto et al. (U.S. Patent No. 6,607,443). Claims 3, 7, 9 and 10 stand rejected under 35 USC §103(a), as obvious over Miyamoto et al. (U.S. Patent No. 6,607,443). The rejections are respectfully traversed.

The Examiner's attention is directed to the disclosure of a preferred embodiment of the invention, described on page 32, line 5, through page 37, line 14 (see also page 26, line 8, through page 32, line 4).

With regard to the independent claims:

Claim 1 is directed to a gaming machine for a plurality of players, including at least one real player and at least one virtual player (who is not a real player), to play a game against each other, which comprises, in part:

game control means that has the virtual player participate in the game being played on the gaming machine so that, at a predetermined timing depending on a state of the game being played on the gaming machine, stored response image data is selectively displayed on a display part as an image of the virtual player on a predetermined occasion of the game being played.

It is respectfully submitted that the applied Miyamoto reference fails to teach or suggest such features. More particularly, Miyamoto discloses a response image of a dealer in connection with the dealing cards that reflects the player's psychological state corresponding to the player's voice and actions. That is, the response image of Miyamoto is the natural image that responds to the player's psychological state. The invention of claim 1, on the contrary, requires responding image data representing an image of each virtual player that can be different from the natural image that responds to the player's psychological state, as, for example, described on page 34, line 21, through page 35, line 5.

Claim 3 is directed to a gaming machine for a plurality of players, including at least one real player and at least one virtual player (who is not a real player), to play a game against each other, which comprises, in part:

a detection means for detecting player insufficiency in playing the game with the

Docket No.: 3022-14
Client No.: ARF-025US
File No.: 1227.42950X00

PATENT

gaming machine;

a virtual player selection means for selecting the virtual player according to a detection result by said detection means; and

game control means that has the selected virtual player to participate in the game being played with the gaming machine and causes a display part to show an image of the real player being taken at a predetermined timing by an image taking means, and to show, according to the state of the game being played with the gaming machine, stored response image data of each virtual player, in relation to the state of the game, as an image at a predetermined state of the game being played.

It is respectfully submitted that the applied Miyamoto reference fails to teach or suggest these features of claim 3.

As acknowledged by the Examiner, Miyamoto lacks any display of an image of a real player. While it is acknowledged that Miyamoto can capture an image of a real player, it is respectfully submitted that, contrary the Examiner's contention, the display of the image is not a simple design choice. In this regard, the display of a real player's image is particularly beneficial in facilitating a real player's use of different tactics in playing against other real players. Furthermore, in the case of a server based system, where multiple real players may not be located in close proximity to each other, this feature provides for enhanced play that cannot be matched by Miyamoto. Thus, the capability to display real player images has significant benefit and distinguishes over Miyamoto.

Furthermore, claim 3 requires the display of both an image of the real player and stored response image data of each virtual player. As noted in the prior Official Action, this conjunctive display has not been considered in the prior rejection of claim 3.

Claim 11 is directed to a gaming machine similar to that recited in claim 3, except, it includes game control means that causes a display part to show an image of the real player being taken at a predetermined timing by an image taking means, or (not "and") to show, according to the state of the game being played with the gaming machine, stored response image data of each virtual player, in relation to the state of the game, as an image at a predetermined state of the game being played.

Docket No.: 3022-14
Client No.: ARF-025US
File No.: 1227.42950X00

PATENT

It is respectfully submitted that the applied Miyamoto reference fails to teach or suggest these features of claim 11 for at least some of the reasons discussed above with respect to claims 1 and 3.

Claim 9 is directed to a server for controlling gaming machines for a plurality of players, including at least one real player and at least on virtual player (who is not a real player), to play a game against each other, which comprises, in part:

a detection means for detecting player insufficiency in playing the game with the gaming machine; and

a virtual player selection means for selecting the virtual player according to a detection result by said detection means; and

game control means that has the selected virtual player participate in the game being played with the gaming machine, and causes a display part to show at least one of (i) an image of the real player being taken at a predetermined timing by an image taking means, and (ii) stored response image data of each virtual player, which is shown in relation to the state of the game as an image on a display part at a predetermined state of the game played, according to the state of the game being played.

It is respectfully submitted that the applied Miyamoto reference fails to teach or suggest these features of claim 9 for the reasons discussed above with respect to claims 1 and 3.

Furthermore, claim 9 requires a detection means for detecting player insufficiency in playing the game with the gaming machine, and a virtual player selection means for selecting the virtual player according to a detection result by said detection means. These features appear to have been completely ignored in the rejection of claim 9 on page 4 of the Official Action.

Claim 10 is directed to a recorded computer program, the execution of which results in a game machine for a plurality of players, including at least one real player and at least on virtual player (who is not a real player), to play a game against each other, in part:

detecting player insufficiency in playing the game with the gaming machine;

Docket No.: 3022-14
Client No.: ARF-025US
File No.: 1227.42950X00

PATENT

causing a virtual player to participate in the game being played with the gaming machine the virtual player being selected according to a detection result by said detection means; and

displaying on a display part at least one of (i) an image of the real player being taken at a predetermined timing by an image taking means and (ii) response image data of each virtual player in relation to the state of the game as an image on a display part at a predetermined state of the game played with the gaming machine, according to the state of the game being played with the gaming machine.

It is respectfully submitted that the applied Miyamoto reference fails to teach or suggest these features of claim 10 for the reasons similar to those discussed above with respect to claim 9. With regard to the prior rejection, Miyamoto's Figures 6 and 7 are all depicting a single dealer, and it is respectfully submitted that Miyamoto lacks any disclosure whatsoever of multiple virtual players.

Claim 12 is directed to a gaming machine for a plurality of players, including at least one real player and at least on virtual player (who is not a real player), to play a game against each other, which includes, in part:

a responding image data storage means for storing image data to be displayed selectively on said display part as an image of the virtual player on a predetermined occasion of the game being played on the gaming machine, the image data including a plurality of response image data for each virtual player; and

game control means that (i) select stored response image data based on game condition data for each real player, and (ii) has the virtual player participate in the game being played on the gaming machine so that stored response image data is selected based on game condition data for each real player and is displayed on a display part, at predetermined timing depending on a state of the game being played on the gaming machine, on a predetermined occasion of the game being played on the gaming machine.

It is respectfully submitted that the applied Miyamoto reference fails to teach or suggest these features of claim 12 for the reasons similar to those discussed above with respect to claim 1.

Docket No.: 3022-14
Client No.: ARF-025US
File No.: 1227.42950X00

PATENT

Furthermore, claim 12 requires selection of image data based on game condition data for each real player.

It is further respectfully submitted that features recited in the dependent claims also distinguish over the applied prior art. For example:

Each of claims 5-8 require that each virtual player is set to have a predetermined personality such that a first virtual player shows a first response image corresponding to a first expression, which differs from a second expression corresponding to a second response image by a second virtual player on at least one state of the game or a change of the state of the game.

It is respectfully submitted that the applied Miyamoto reference fails to teach or suggest these features, and is in fact incapable of implementing these features, because Miyamoto lacks any disclosure of multiple virtual players. Additionally, there is nothing in Miyamoto to suggest that the dealer reacts in other than in the same natural manner to the same input associated with a real player.

Each of claims 13, 15, 17 and 19 requires that the stored image data to be displayed such that the displayed be selected image of the virtual player represents a play tactic of that virtual player corresponding to the quality of play of the at least one real player.

It is respectfully submitted that the applied Miyamoto reference fails to teach or suggest these features. In particular, Miyamoto lacks any suggestion of the display of an image of the dealer that represents a play tactic of the dealer. Rather, what Miyamoto explicitly teaches is that the displayed dealer image represents the natural response to the players voice and movement, and has nothing whatsoever to do with dealer game playing tactics.

Furthermore, claims 13, 15 and 17 require a determination of the quality.

Claims 14, 16, 18 and 20 require that the quality of play of the game by each of the at least one real player is based on (i) past play history of that real player, including one or more of number of time betting, betted quality, average betting time, and number of wins, and (ii) and personality of that real player, including one or more of carefulness, degree as a gambler, decisiveness and gaming strength.

Docket No.: 3022-14
Client No.: ARF-025US
File No.: 1227.42950X00

PATENT

It is respectfully submitted that the applied Miyamoto reference fails to teach or suggest these features. In particular, Miyamoto lacks any disclosure of quality of play of the game by each of the at least one real player being based on past play history and personality of that real player.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Case No.) and please credit any excess fees to such Deposit Account.

Respectfully submitted,
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